



January 25, 2005

The Honorable William T. Hawks
Under Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-0249

**Re: Comments on Interim Final Country of Origin Labeling
Regulation for Fish and Shellfish (Docket No. LS-03-04)**

Dear Secretary Hawks:

On behalf of the California Grocers Association, I am responding to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish.

The California Grocers Association is a non-profit, statewide trade association representing the food industry since 1898. CGA represents approximately 500 retail members operating over 6,000 food stores in California and Nevada, and approximately 300 grocery supplier companies. Retail membership includes chain and independent supermarkets, convenience stores, mass merchandisers and wholesale clubs.

We respectfully request that you address two issues in the final rule.

First, we encourage you to simplify the recordkeeping provision in the final regulation by allowing a complete supplier record to serve as the only record necessary at store level and remove the requirement for corporate or intermediary recordkeeping. Unlike retailers and distributors, the supplier has firsthand knowledge of the origin and production of the seafood item and, thus, is the only entity that can properly validate the origin and production claims made.

A complete record would include the supplier's name and contact information; the type of seafood; its country of origin and method of production; and a lot code number or other unique identifier, such as a pack date or a sell by date, that would allow the supplier to locate records related to the specific product.

Second, the interim final rule becomes effective on April 4, 2005. The final rule is unlikely to be issued much before the IFR is scheduled to take effect.

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Therefore, we urge you to include a new effective date with the final rule so that we will be able to implement it in a timely and efficient manner. In particular, we urge you to apply USDA's recently announced uniform labeling compliance date policy.

We appreciate your attention to our comments. If you have any additional questions regarding our position, please do not hesitate to contact me at (916) 448-3545.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Larkin", written over a horizontal line.

Peter J. Larkin
President